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TSMC ARIZONA CORPORATION

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TSMC ARIZONA CORPORATION, a
corporation,

Plaintiff,

v.

MORRISON EXPRESS
CORPORATION (U.S.A.), a
corporation; PACIFIC EXPRESSWAY,
INC., a corporation; MACKENZIE
AND PAIGE LOGISTICS, LLC; and
DOE ONE through DOE TEN,

Defendants.

Case No. 2:25-cv-03639

**COMPLAINT FOR DAMAGE TO
CARGO (CARMACK
AMENDMENT LIABILITY)**

Plaintiff's complaint follows:

GENERAL ALLEGATIONS

1. Plaintiff TSMC ARIZONA CORPORATION ("TSMC"), is now, and at all times material was, a corporation duly established and existing by virtue of law, and was all relevant times, the owner of the shipment that is the subject of this lawsuit.

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1 2. Plaintiff is informed and believes and on the basis of that information
2 and belief alleges that, MORRISON EXPRESS CORPORATION (U.S.A.)
3 (“MORRISON”), a corporation; , MACKENZIE AND PAIGE LOGISTICS, LLC
4 (“M&P), and PACIFIC EXPRESSWAY, INC. (“PEW”), a corporation, are now and
5 at all times herein material were engaged in business as common carriers for hire in
6 the County of Los Angeles, State of California.

7 3. The true names of defendants named herein as DOE ONE through
8 DOE TEN, each of whom is or may be responsible for the events and matters herein
9 referred to, and each of whom caused or may have caused or contributed to the loss
10 herein complained of, are unknown to plaintiff, who therefore sues said defendants
11 by such fictitious names. Plaintiff will amend its complaint to show the true names
12 of said defendants when the same have been ascertained.

13 4. The claims alleged herein contain causes of action for non-delivery of
14 cargo under the Carmack Amendment to the Interstate Commerce Act, 49 U.S.C. §
15 14706. Accordingly, this Court has jurisdiction over this action pursuant to 28
16 U.S.C. §1331. Venue is proper under 28 U.S.C. §1391(b).

17 5. Plaintiff is informed and believes and on the basis of such information
18 and belief alleges that on or about April 27, 2023, at Rancho Dominguez, California,
19 defendants, and each of them, received a shipment of a machine known as a Vector
20 Extreme Core chamber belonging to plaintiff. Under bills of lading no.
21 SSINS23000367 and others, said defendants agreed, orally and in writing, and in
22 return for good and valuable consideration, to carry said cargo from Rancho
23 Dominguez, California, to Phoenix, Arizona, and there deliver said cargo in the
24 same good order, condition, and quantity as when received.

25 6. Thereafter, in breach of and in violation of said agreements, said
26 defendants did not deliver said cargo in the same good order, condition, and quantity
27 as when received at Rancho Dominguez, California. To the contrary, said
28 defendants, and each of them, delivered the subject shipment in a severely damaged

1 conditions, as a result of which the cargo was depreciated in an amount of not less
2 than \$1,466.353.09.

3 **FIRST CAUSE OF ACTION**

4 **(Carmack Amendment Liability against all Defendants)**

5 7. Plaintiff realleges and incorporates herein with like force and effect
6 every allegation of paragraphs 1 through 6 as set forth above.

7 8. Based on the General Allegations above, defendants are liable to
8 plaintiff under the Carmack Amendment.

9 9. Plaintiff has therefore been damaged in the sum of not less than
10 \$1,466,353.09, no part of which has been paid, despite demand therefor.

11 WHEREFORE, Plaintiff prays that this Court enter judgment in its favor and
12 against defendants; that this Court decree payment by defendants to Plaintiff in the
13 amount of \$1,466,353.09, or another amount to be proven at trial, together with
14 prejudgment interest thereon, attorneys' fees and costs of suit herein; and that
15 Plaintiff have such other and further relief as in law and justice it may be entitled to
16 receive.

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19 Dated: April 24, 2025

Respectfully submitted,
GIBSON ROBB & LINDH LLP

21 /s/ JOSHUA E. KIRSCH
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24 Attorneys for Plaintiff
25 TSMC ARIZONA CORPORATION
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